REMARKS

The present amendment is in response to the Office Action dated December 9, 2009, where claim 30 stands rejected. In the present amendment, claim 30 has been amended and new claims 31-43 have been added. Accordingly, claims 30-43 are pending in the present application. Reconsideration and allowance of pending claims 30-43 in view of the following remarks are respectfully requested.

A. Rejection of Claim 30 Under 35 USC § 103(a)

Claim 30 stands rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 7,113,809 ("Noesgaard") in view of U.S. Patent No. 6,909,8978 ("Haller") and further in view of U.S. Patent No. 7,228,341 ("Giacalone"). This rejection is hereby traversed, and it is submitted that amended independent claim 30 is fully distinguished from the references. Specifically, claim 30 has been amended to clarify that a trigger event is identified for a specific media package and that an association list is generated. The association list includes the identified trigger event and the specific media package and associates the identified trigger event with the specific media package. Giacalone does not disclose this.

The cited disclosure from Giacolone (C2,L10-53) only discloses that an external trigger event can be used as input to the scheduling system described by Giacolone. Specifically, Giacolone states: "The forth [sic] type of input to the scheduling system is a trigger even which is received from a source external to the scheduling system. Upon receiving a trigger event, particular media content will be played." Thus, Giacolone only discloses that when the trigger event is received from the external source, particular media content is played. Giacolone does not disclose generating an association list and

associating an identified trigger event with a media package in the association list and then transmitting both the media package and the association list to a wireless communication device for storage on the wireless communication device.

To the contrary, Giacolone requires that upon receipt of the trigger event, media content is played. Claim 30 requires that the association list that includes the trigger event be transmitted to the wireless communication device for storage. It is clear that claim 30 does not play the transmitted media package upon receipt of the media package and the association list, which is what Giacolone requires. Instead, under claim 30 the media package would not be played until the identified trigger event is detected. Applicant is not relying on playing the media package to distinguish Giacolone, Applicant is explaining these aspects of Giacolone in view of Applicant's disclosure to clarify that Giacolone is not transmitting an association list and media package.

The passages from Giacolone that are cited as disclosing transmitting an association list and the media package (C1,L24-30; C2,L3-9,L54-62; and C13,L31-40) fail to disclose what it claimed as demonstrated below.

C1,L24-30: The present invention generally relates to media distribution, display and control methods and systems, and more particularly to an improved method and system for scheduling and distributing discrete modules of content (i.e., audio or video or multimedia) and for managing scheduling conflicts that result from the application of multiple scheduling algorithms within a comprehensive scheduling system.

The passage above only discloses that discrete modules of content are distributed. Nowhere does this passage disclose that an association list (including

trigger events that are associated with media packages) is transmitted to a wireless communication device.

C2,L3-9,L54-62: It is therefore an object of the present invention to provide a method for enabling the automated scheduling of media to be played on a logical group of players connected via a distributed network. Another object of the present invention is to provide several methods of scheduling that combine to create a comprehensive and flexible media scheduling system.

Nowhere does this passage disclose that a media package and an association list are transmitted to a wireless communication device.

C13,L31-40: While the above provides a full and complete disclosure of a preferred embodiment of the invention, various modifications, alternate constructions and equivalents may be employed without departing from the true spirit and scope of the invention. For example, the present invention can be used to distribute any type of communicative content along with any type of display or restriction control instructions. Accordingly, it is intended that the above not be construed as limiting the scope of the invention, which is defined by the appended claims.

The passage above only discloses distributing communicative content along with display or control instructions. Nowhere does this passage disclose that an association list is transmitted to a wireless communication device.

Accordingly, amended claim 30 is fully distinguished over the combination of Noesgaard, Haller and Giacolone. Applicant believes that amended claim 30 is presently in condition for allowance.

B. New Claims 31-43

Applicant has added new dependent claims 31-43. These dependent claims further detail the type of trigger events that may be included in the association list and associated with a particular media package. The cited references do not disclose each of these types of trigger events. Additionally, because base claim 30 is presently in condition for allowance, dependent claims 31-43 are also presently in condition for allowance.

C. Examiner's Response to Arguments

Applicant thanks the Examiner for the explanation provided in the Response to Arguments section of the Office Action.

Noesgaard

Applicant asserts that the Examiner's interpretation of Noesgaard is based upon impermissible hindsight. It appears that the Examiner is using the benefit of Applicant's disclosure to interpret Noesgaard in a fashion that leads to the conclusion that Noesgaard discloses what is claimed by Applicant. This is an impermissible use of Applicant's disclosure.

Furthermore, the Examiner appears to be suggesting that Noesgaard inherently discloses providing a wireless communication device with an association list without establishing a prima facie case of inherency. Accordingly, the rejection fails.

Furthermore, it appears that the Examiner does not understand the disclosure in Noesgaard. The "idle state" in Noesgaard is when the user is not using the phone (C6,L1-2). The Examiner's suggestion at the top of page 7 that a state other than the

idle state that could trigger the media presentation is plainly false and demonstrates a fundamental misunderstanding of Noesgaard. In Noesgaard, the media presentation can only be presented during the idle state. In any other state, the phone is being used, which is apparent based on Noesgaard's definition of "idle state." In a simplified nutshell, Noesgaard discloses a screensaver that displays application data (C1,L46-48) rather than displaying a pre-defined image or animation as conventional devices do (C1,L14-18).

Noesgaard cannot be "interpreted" to disclose an association list that links a media package with a trigger event. Noesgaard plays its media presentation of application data when the device is in the idle state. There is no inherent association list of trigger events and media packages in Noesgaard. The processor in the Noesgaard device is simply programmed to execute the screen saver application when the device is not in use and the Noesgaard screen saver application displays application data while the device is in the idle state.

Furthermore, Noesgaard does not "provide" or "transmit" an association list to a wireless communication device. At best the Noesgaard device is programmed to execute the screen saver when the device is in the idle state, just like any other conventional screen saver. The only difference between Noesgaard and a conventional screen saver is what gets displayed (application data vs. e.g., a picture).

Giacolone

Giacolone is directed toward a very sophisticated comprehensive scheduling system that integrates five separate scheduling methods at a scheduling server that operates to control media playback on a variety of remote devices (C2,L40-50; FIG. 1). Giacolone discloses that data to be played can be introduced via network (C3,L53-61).

One of the scheduling methods disclosed by Giacolone is the use of a trigger event to play unscheduled content. Specifically, Giacolone states that "[t]he forth [sic] type of input to the scheduling system is a trigger event which is received from a source external to the scheduling system. Upon receiving a trigger event, particular media content will be played." Thus, Giacolone only discloses that when the trigger event is received from the external source, particular media content is played. Giacolone does not disclose generating an association list and associating an identified trigger event with a media package in the association list and then transmitting both the media package and the association list to a wireless communication device for storage on the wireless communication device.

CONCLUSION

For all the foregoing reasons, allowance of claims 30-43 pending in the present application is respectfully requested. If necessary, applicant requests, under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above-identified application and to charge the fees for a large entity under 37 CFR 1.17(a). The Director is authorized to charge any additional fee(s) or any underpayment of fee(s) or credit any overpayment(s) to Deposit Account No. 50-3001 of Kyocera Wireless Corp.

Respectfully Submitted,

Dated: February 23, 2010

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